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10 *Carl Phillips*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 (OAKLAND DIVISION)

14 CARL PHILLIPS, individually, and on behalf  
15 of all others similarly situated,

16 Plaintiff,

17 v.

18 SEARS, ROEBUCK & CO., *et al.*,

19 Defendants.

Case No. 08-02671 SBA

**PLAINTIFF'S NON-OPPOSITION TO  
MOTION BY DEFENDANT PLATINUM  
EQUITY, LLC TO ENLARGE TIME  
PURSUANT TO CIV. L. R. 6-3**

The Honorable Sandra B. Armstrong

21  
22 Plaintiff Carl Phillips does not oppose defendant Platinum Equity, LLC's Motion to  
23 Enlarge Time. (Docket No. 12.) Plaintiff's counsel both spoke with and e-mailed Platinum  
24 Equity's assistant general counsel on July 3, 2008, and consented to the extension requested by  
25 Platinum Equity, a 30 day enlargement of time in which to respond to the complaint.  
26 Nevertheless, Platinum Equity filed its motion that day.

27 Plaintiff expects to file a joint motion with other parties to further extend the time by  
28 which all Defendants must respond to the complaint until 45 days after the Judicial Panel on

Multidistrict Litigation rules upon Plaintiff's pending motion to transfer related actions to the District of New Jersey.

Dated: July 8, 2008

Respectfully Submitted,

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: /s/ Jordan Elias

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2008, I caused the foregoing document to be served  
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*/s/ Jordan Elias*

Jordan Elias